

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Friday, the Twenty Sixth day of April Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.5971 of 2019

SARATHI @ PARTHASARATHY ... PETITIONER / ACCUSED No.4

Vs

STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
VANGAL POLICE STATION,
KARUR DISTRICT.
Crime No.69 of 2019

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.R.KARUNANIDHI Advocate

For Respondent : Mr.K.SUYAMBULINGA BHARATHI
Govt. Advocate (Crl. Side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 294(b), 506 (i) and 380 of IPC and Section 4 of the Prohibition of Charging Exorbitant Interest Act 2003 in Cr.No.69 of 2018, on the file of the respondent police, seeks anticipatory bail.

2.It is the case of the prosecution that the defacto complainant borrowed a sum of Rs.45,000/- from Sarathi Finance through one Ravi, who is the employee of the Sarathi Finance . In these circumstances on 26.02.2019 the defacto complainant had fone to Kerala with his family members for arranging money in order to repay the borrowed money. Thereafter on 27.02.2019 at about 10.00 a.m at the instigation of one Ravi, ten members entered into the defacto complainant's house and taken all the household articles from his house and also taken land documents. After knowing the same, the defacto complainant approached one Ruthran and Ravi they scolded and threatened the defacto complaianant. Hence the complaint

3.The learned counsel appearing for the petitioner would submit that earlier this Court dismissed the anticipatory bail application. Now he has returned all the house hold articles and documents were returned to the defacto complainant, Antony Raja

4.The learned Government Advocate(Crl.side) appearing for the respondent police did not dispute the fact submitted by the learned counsel for the petitioner.

5.Considering the facts and circumstances of the case and also considering the fact that all the house hold articles and documents were returned to the defacto complainant, Antony Raja, this Court is inclined to grant anticipatory bail to the petitioner. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Karur on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a)the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioner shall report before the respondent police daily at 10.30 a.m until further orders;

(c)the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioner shall not abscond either during investigation or trial;

(e)on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]; and;

(f)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
26/04/2019

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TO

1.THE JUDICIAL MAGISTRATE NO II,
KARUR.

2.THE CHIEF JUDICIAL MAGISTRATE,
KARUR DISTRICT.

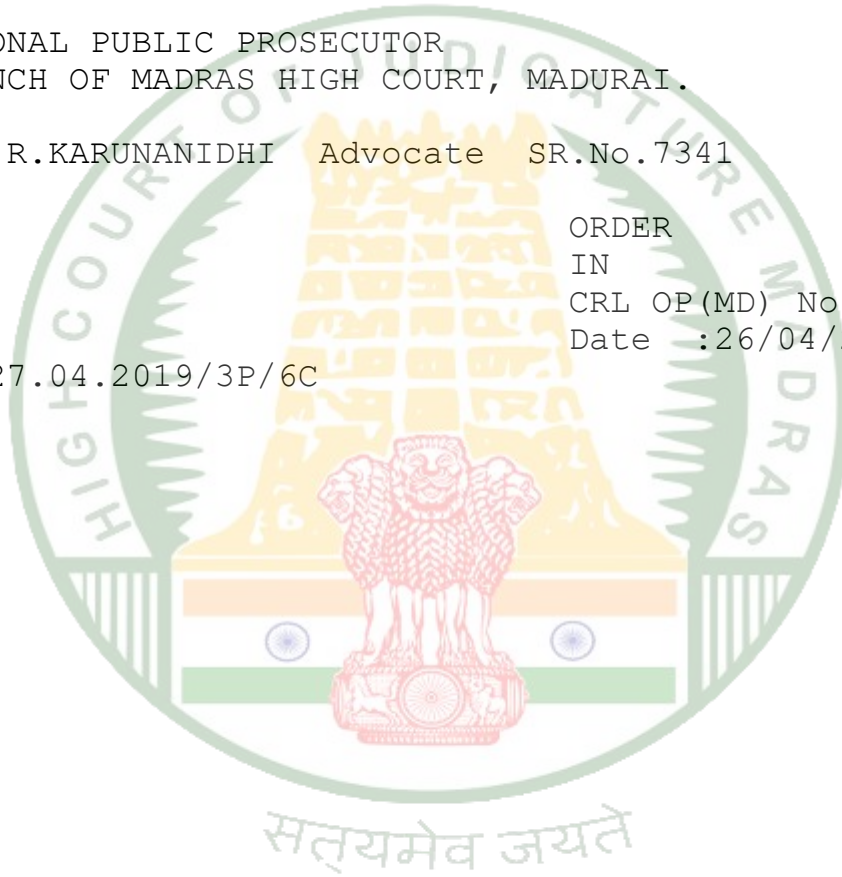
3.THE INSPECTOR OF POLICE,
VANGAL POLICE STATION,
KARUR DISTRICT.

4.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to Mr.R.KARUNANIDHI Advocate SR.No.7341

ORDER
IN
CRL OP(MD) No.5971 of 2019
Date :26/04/2019

TK/VR/SAR-3/27.04.2019/3P/6C



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